

BILL ANALYSIS

Senate Research Center
78R1800 JRJ-D

S.B. 1024
By: Madla
Health & Human Services
3/28/2003
As Filed

DIGEST AND PURPOSE

Currently, the Texas Department of Health (TDH) has the authority to operate hospitals for tuberculosis care. Patient care and treatment at TDH hospitals is limited to Texas residents. TDH is not authorized to treat nonresidents at the Texas Center for Infectious Disease or to render tuberculosis care. As proposed, S.B. 1024 authorizes the state to enter into interstate agreements with other states for tuberculosis treatment provided that the state of the individual's residence agrees to bear treatment costs. This bill also authorizes the state to recognize and enforce an involuntary order entered by another state's court for involuntary civil commitment of an individual for communicable disease treatment.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 13.036(a) and (c), Health and Safety Code, as follows:

- (a) Authorizes a person who is not a resident of this state and who has tuberculosis to be admitted to a state chest hospital in accordance with Section 13.046.
- (c) Authorizes the certificate to be issued by a physician who holds a license to practice medicine in the state of residence of the applicant, in the case of an applicant who is not a resident of this state.

SECTION 2. Amends Section 13.038, Health and Safety Code, by amending Subsection (a) and adding Subsection (f), as follows:

- (a) Provides that a patient admitted to a state chest hospital is a public patient and classified as indigent, nonindigent, or nonresident.
- (f) Provides that a nonresident public patient is a person who is admitted in accordance with an interstate agreement under Section 13.046.

SECTION 3. Amends Chapter 13B, Health and Safety Code, by adding Section 13.046, as follows:

Sec. 13.046. **ADMISSION OF NONRESIDENT PATIENTS.** (a) Authorizes the Texas Department of Health (TDH) to enter into an agreement with an agency of another state responsible for the care of residents of that state who have tuberculosis under which certain conditions apply.

- (b) Provides that Section 13.041 (Return of Certain Nonresidents; Reciprocal Agreements) does not apply to the return of a nonresident patient admitted to a state chest hospital in accordance with an agreement entered into under this section. Provides that the return of that patient to the state of residence is governed by the agreement.

SECTION 4. Amends Chapter 81G, Health and Safety Code, by adding Section 81.211, as follows:

Sec. 81.211. **FILING AND STATUS OF FOREIGN COURT ORDERS.** (a) Requires the attorney general, at the request of TDH, to file a copy of an order issued by a court of another state that authorizes the commitment of the person to a health care facility for inpatient care in the manner provided by Chapter 35, Civil Procedures and Remedies Code, for enforcement of foreign judgments, in the case of a person who is not a resident of this state and who is authorized to be admitted to a state chest hospital in accordance with Section 13.046.

(b) Requires the application to be filed with the district court in the county in which the state chest hospital to which the person will be admitted is located.

(c) Authorizes a filed foreign court order that authorizes the commitment of a person to a healthcare facility for inpatient care to be enforced in the same manner as a court order of the court in which it is filed.

(d) Provides that a foreign court order that authorizes the commitment of a person to a health care facility for inpatient care is subject to the contractual agreement with the foreign state entered into under Section 13.046.

SECTION 5. Effective date: September 1, 2003.